



UNITED STATES PATENT AND TRADEMARK OFFICE

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ONE FINANCIAL CENTER
BOSTON, MA 02111

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SEP 20 2006

In re Application of :
Batachia et al. : **OFFICE OF PETITIONS**
Application No. 09/746,984 :
Filed: December 22, 2000 : **ON PETITION**
Attorney Docket Number: 22097-003 :

This is a decision on the Petition for Withdrawal of
Erroneously Issued Notice of Abandonment, filed July 31, 2006.
The petition I properly treated under 37 CFR 1.181.

The petition is **granted.**

The above-identified application became abandoned for failure to
reply in a timely manner to the non-final Office action, mailed
December 19, 2005. The Office action set a three (3) month
period for reply, and provided for extensions of time under 37
CFR 1.136(a). No reply having been received, the application
became abandoned on March 20, 2006. A Notice of Abandonment was
mailed July 7, 2006.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant
averts that a timely reply was filed on June 19, 2006, and was
received by this Office as evidenced by Applicant's return-
receipt postcard. In support of this assertion, Applicant
provides a copy of a return-receipt postcard.

A review of the return-receipt postcard reveals that it
acknowledges receipt of an Amendment/Response; Petition for
Extension of Time, check in the amount of \$510.00, and Express
Mail label No. EV829091234US by this Office on June 19, 2006.

A review of office records reveals that an Amendment/Response; Petition for Extension of Time, check in the amount of \$510.00 were received by this office on June 19, 2006.

In view of the foregoing, the petition is granted. The Notice of Abandonment and the holding of abandonment are hereby withdrawn.

No petition fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 3624 for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods".

Derek L. Woods
Attorney
Office of Petitions